

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #9	CCRB Case #: 201709369	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/15/2017 9:30 PM, Thursday, 11/02/2017	Location of Incident: § 87(2)(b), 77th Precinct Stationhouse	Precinct: 77	18 Mo. SOL 2/15/2019	EO SOL 2/15/2019	
Date/Time CV Reported Thu, 11/02/2017 5:54 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/10/2017 12:02 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Shakeara Pearson	06492	954223	077 PCT
2. DTS Ruben Marte	5058	945235	077 PCT
3. POM Keicho Phillips	31620	933175	077 PCT
4. An officer			077 PCT
5. POM Johnathan Diazmojica	14105	954732	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Khalid Bakkal	00741	944347	077 PCT
2. POM Gerber Lizardo	15063	960814	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: On August 15, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to damage § 87(2)(b)'s property.	
B.DTS Ruben Marte	Abuse: On August 15, 2017, Detective Ruben Marte entered § 87(2)(b) in Brooklyn.	
C.POM Keicho Phillips	Abuse: On August 15, 2017, Police Officer Keicho Phillips entered § 87(2)(b) in Brooklyn.	
D.DTS Ruben Marte	Force: On August 15, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte used physical force against § 87(2)(b).	
E.DTS Ruben Marte	Force: On August 15, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte pointed his gun at § 87(2)(b).	
F.DTS Ruben Marte	Abuse: On August 15, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte threatened to arrest § 87(2)(b).	
G.DTS Ruben Marte	Abuse: On August 15, 2017, Detective Ruben Marte searched § 87(2)(b) in Brooklyn.	
H.POM Keicho Phillips	Abuse: On August 15, 2017, Police Officer Keicho Phillips searched § 87(2)(b) in Brooklyn.	
I.DTS Ruben Marte	Abuse: On November 2, 2017, Detective Ruben Marte entered § 87(2)(b) in Brooklyn.	

Officer(s)	Allegation	Investigator Recommendation
J.DTS Ruben Marte	Force: On November 2, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte used physical force against § 87(2)(b)	
K. An officer	Force: On November 2, 2017, at § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	
L.POM Johnathan Diazmojica	Discourtesy: On November 2, 2017, at § 87(2)(b) in Brooklyn, Police Officer Johnathan Diaz-Mojica spoke discourteously to § 87(2)(b)	
M.POF Shakeara Pearson	Abuse: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson threatened § 87(2)(b) with the use of force.	
N.POF Shakeara Pearson	Force: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson used physical force against § 87(2)(b)	
O.POF Shakeara Pearson	Discourtesy: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson spoke discourteously to § 87(2)(b)	

Case Summary

On November 2, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On August 15, 2017, at approximately 9:30 p.m., Det. Ruben Marte and PO Keicho Phillips, both of the 77th Precinct, arrived at § 87(2)(b) in Brooklyn and knocked on the door. From behind the door, an officer instructed § 87(2)(b) to open the door or they would kick it down (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Marte and PO Phillips entered the residence and told § 87(2)(b) she had to leave because she did not live there legally (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). Det. Marte allegedly pushed § 87(2)(b) against the wall and pointed his firearm at § 87(2)(b) (**Allegations D and E: Force**, § 87(2)(g)). Det. Marte then told § 87(2)(b) that he would “lock her up” (**Allegation F: Abuse of Authority**, § 87(2)(g)). Det. Marte and PO Phillips performed a protective sweep of the home before escorting § 87(2)(b) from the residence (**Allegations G and H: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was issued a summons for trespassing.

On November 2, 2017, at approximately 1:23 p.m., Det. Marte returned to § 87(2)(b) and allegedly entered the residence to remove § 87(2)(b) from the location (**Allegation I: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) held on to the door frame and Det. Marte allegedly kicked her (**Allegation J: Force**, § 87(2)(g)). § 87(2)(b) attempted to show the officers various papers to prove she was in the residence legally. § 87(2)(b) refused to let go of the papers and an officer allegedly pushed her (**Allegation K: Force**, § 87(2)(g)). An officer, identified by the investigation as PO Johnathan Diaz-Mojica, also of the 77th Precinct, allegedly referred to § 87(2)(b) as a “pig” on scene (**Allegation L: Discourtesy**, § 87(2)(g)). An officer allegedly pushed § 87(2)(b) into the patrol vehicle (**Allegation K continued**). § 87(2)(b) was arrested for § 87(2)(b).

At the stationhouse, PO Shakeara Pearson of the 77th Precinct allegedly told § 87(2)(b) that she had not started hurting her yet (**Allegation M: Abuse of Authority**, § 87(2)(g)). While in front of the desk, PO Pearson dropped § 87(2)(b)'s scarf and bent down to pick it up. When PO Pearson stood up, she allegedly struck § 87(2)(b) in the face and jaw with her elbow (**Allegation N: Force**, § 87(2)(g)). After the two were separated, PO Pearson allegedly said that she was not scared of “no street bitch” (**Allegation O: Discourtesy**, § 87(2)(g)). § 87(2)(b) was also charged with assault of a police officer and was transported to § 87(2)(b).

§ 87(2)(b) stated that she had video footage from one or both incidents. However, she refused to provide it to the CCRB during her sworn statement. She stated that she would bring it to the CCRB the following day but did not appear. § 87(2)(b) did not have a working phone number or consistent mailing address and therefore could not be reached for the footage.

Findings and Recommendations

Allegation A: On August 15, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to damage § 87(2)(b)'s property.

It is undisputed that Det. Marte and PO Phillips visited § 87(2)(b) and instructed § 87(2)(b) to open the door. It remains disputed if any officer threatened to damage the door.

§ 87(2)(b) was interviewed at the CCRB on November 17, 2017 [BR 01]. She stated that she heard banging on the door and heard “someone” say, “Open up the door or we are going to kick it down.” After the individuals identified themselves as the police, § 87(2)(b) opened the door and saw Det. Marte and PO Phillips standing outside.

PO Phillips and Det. Marte were interviewed at the CCRB on February 9, 2018, and March 28, 2018, respectively [BRs 02 and 03, respectively]. Both denied threatening to damage the door at any point.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation B – Abuse of Authority: On August 15, 2017, Detective Ruben Marte entered § 87(2)(b) in Brooklyn.

Allegation C – Abuse of Authority: On August 15, 2017, Police Officer Keicho Phillips entered § 87(2)(b) in Brooklyn.

Allegation F – Abuse of Authority: On August 15, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte threatened to arrest § 87(2)(b)

Allegation G – Abuse of Authority: On August 15, 2017, Detective Ruben Marte searched § 87(2)(b) in Brooklyn.

Allegation H – Abuse of Authority: On August 15, 2017, Police Officer Keicho Phillips searched § 87(2)(b) in Brooklyn.

Allegation I – Abuse of Authority: On November 2, 2017, Detective Ruben Marte entered § 87(2)(b) in Brooklyn.

It is undisputed that Det. Marte and PO Phillips entered § 87(2)(b) on August 15, 2017, that they performed a protective sweep of the residence, and that Det. Marte informed § 87(2)(b) that she could be arrested for trespassing. § 87(2)(g)

§ 87(2)(b) stated that on August 15, 2017, she opened the door slightly to see who was outside. At that point, Det. Marte pushed the door open and entered the residence. PO Phillips followed Det. Marte inside. Det. Marte told § 87(2)(b) that she needed to vacate the residence because she did not live there. § 87(2)(b) told Det. Marte that she had a lease. However, Det. Marte informed her that the neighbors told him that the lease was fake. Det. Marte and PO Phillips gathered § 87(2)(b)'s belongings and escorted her from the property. Det. Marte told § 87(2)(b) that he would “lock her up” but instead issued her a summons for trespassing. § 87(2)(b) insisted that she has been living at this residence for months and had a lease and receipts of rent payments.

A search of NYCMap revealed that § 87(2)(b) is owned by § 87(2)(b). On December 11, 2017, § 87(2)(b) son, § 87(2)(b), provided a phone statement to the CCRB [BR 04]. He stated that he inherited the home from his father, who is deceased. § 87(2)(b) further stated he lives in Atlanta, Georgia and that neighbors from the block informed him that § 87(2)(b) moved into the residence without his knowledge. § 87(2)(b) contacted the 77th Precinct and worked with Det. Marte to remove § 87(2)(b) from the premises. After § 87(2)(b) was removed the first time, which he believed could have been on August 15, 2017, § 87(2)(b) traveled to New York City and placed “No trespassing” signs on the property and put a chain lock on the door. However, he learned that § 87(2)(b) came

back to the home, cut the lock, and re-entered the residence. At that point, § 87(2)(b) contacted Det. Marte again and completed the necessary paperwork to have § 87(2)(b) arrested. § 87(2)(b) insisted that all documentation § 87(2)(b) has from the residence is “bogus” and that she has never legally resided at the residence.

Det. Marte and PO Phillips were consistent that on August 15, 2017, neighbors contacted Det. Marte directly regarding § 87(2)(b)'s presence at § 87(2)(b), that the doorknob to the front door of the residence had been pushed in, and that § 87(2)(b) presented a lease signed by § 87(2)(b). Det. Marte added that the lock on the front door was broken and there were marks on the doorframe that appeared as though an individual took a screwdriver and pried the door open. Det. Marte stated that after seeing the broken locks, speaking to the neighbors, and seeing the lease signed by § 87(2)(b), he determined that § 87(2)(b) was illegally occupying the residence. At that point, Det. Marte and PO Phillips entered the residence to remove § 87(2)(b). Det. Marte also said that he performed a protective sweep of the § 87(2)(b) floor to determine if there were any other individuals inside. Det. Marte acknowledged that he did inform § 87(2)(b) that she could be arrested for entering the residence unlawfully. However, upon conferral with his supervisor, he issued her summons. § 87(2)(b) [BRs 21 and 22].

PO Phillips stated that at the doorway, the officers asked § 87(2)(b) if there was anyone else inside the residence. § 87(2)(b) responded, “No, you can come and look.” At the same time, § 87(2)(b) stepped away from the door, into the vestibule of the residence. PO Phillips interpreted § 87(2)(b)'s statement as consent to enter the residence. Upon entering, PO Phillips and Det. Marte split up. PO Phillips believed he went upstairs to perform a protective sweep while Det. Marte remained downstairs. PO Phillips added that between August 15, 2017, and November 2, 2017, § 87(2)(b) boarded the windows and § 87(2)(b) door to the home, put signs up that stated, “No Trespassing” and put a padlock and heavy chain around the door to the § 87(2)(b) floor.

PO Phillips said that he was not involved in the incident on November 2, 2017. Det. Marte stated that on November 2, 2017, he approached the front door of the home but denied entering the residence. Upon approaching the front door, Det. Marte saw § 87(2)(b) inside the residence and observed that a chain and padlock on the door had been cut. As noted above, § 87(2)(b) was arrested and charged with criminal trespass in the second degree and criminal possession of stolen property.

UF-61 # § 87(2)(b) was generated on August 15, 2017 [BR 05]. The victim, § 87(2)(b), reported that § 87(2)(b) did forge his deceased father's name and signature on an apartment lease. § 87(2)(b) presented a copy of § 87(2)(b) death certificate to police which was subsequently vouchered as evidence. UF 61 # § 87(2)(b) was generated on November 2, 2017 [BR 06]. The report notes that § 87(2)(b) was observed inside of § 87(2)(b) without permission or authority and that she was found in possession of the padlock and chain which were used to secure the premises.

As per New York State Penal Law §140.05, a person is guilty of trespass when he or she knowingly enters or remains unlawfully in or upon a premises [BR 07]. According to New York State Penal Law §140.15, he or she is guilty of criminal trespass in the second degree when he or she knowingly enters or remains unlawfully in a dwelling.

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g)

Allegation E – Force: On August 15, 2017, at § 87(2)(b) in Brooklyn, Detective Ruben Marte pointed his gun at § 87(2)(b)

Det. Marte stated that he “never touched” § 87(2)(b) and that she was not against the wall at any point. Det. Marte acknowledged that he drew his firearm while clearing the § 87(2)(b) floor of the residence. He added that there was no electricity in the home and given that this incident occurred at 9:30 p.m., the § 87(2)(b) floor was completely dark. Det. Marte was alone at the time he drew his weapon and denied pointing his firearm at § 87(2)(b).

§ 87(2)(g), § 87(2)(b)

Allegation L – Discourtesy: On November 2, 2017, at § 87(2)(b) in Brooklyn, Police Officer Johnathan Diaz-Mojica spoke discourteously to § 87(2)(b)

Det. Marte and PO Diaz-Mojica denied pushing or observing an officer push § 87(2)(b) on scene. PO Diaz-Mojica added that aside from pulling § 87(2)(b)'s arms behind her back, no additional force was used. PO Lizardo said there was no struggle in obtaining documentation from § 87(2)(b) but did not recall if there was a struggle to place her in the patrol vehicle. He said that aside from placing § 87(2)(b) in handcuffs, he did not recall any additional physical contact officers made with her on scene.

§ 87(2)(g)

Allegation M – Abuse of Authority: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson threatened § 87(2)(b) with the use of force.

It is undisputed that at the 77th Precinct Stationhouse, PO Pearson was called upon to search § 87(2)(b) and PO Pearson grabbed ahold of § 87(2)(b) while escorting her through the stationhouse. § 87(2)(g)

§ 87(2)(b) stated that PO Pearson was holding her by the arm as she walked her through the stationhouse. § 87(2)(b) she told PO Pearson she was hurting her. PO Pearson responded that she had not started hurting § 87(2)(b) yet.

PO Pearson was interviewed at the CCRB on March 16, 2018 [BR 11]. She stated that while escorting § 87(2)(b) to the front desk, she took ahold of § 87(2)(b)'s arm twice to stop her from walking ahead. § 87(2)(b) asked PO Pearson why she was grabbing her but PO Pearson did not recall how she responded. § 87(2)(b) did not say anything about PO Pearson hurting her and PO Pearson did not state that she had not started hurting § 87(2)(b) yet or threaten to hurt § 87(2)(b) at any point.

Det. Marte stated that at the stationhouse, § 87(2)(b) went “cuckoo” and yelled that she did not want anyone to touch her. However, Det. Marte did not hear § 87(2)(b) complain that PO Pearson was hurting her and did not hear PO Pearson state that she had not started hurting § 87(2)(b) yet.

The investigation determined that Sgt. Khalid Bakkal of the 77th Precinct was the Desk Officer during this incident. He was interviewed at the CCRB on April 3, 2018 [BR 12]. He did not recall if he heard § 87(2)(b) state that an officer was hurting her and did not hear PO Pearson state that she had not started hurting § 87(2)(b) yet.

PO Diaz-Mojica and PO Lizardo were consistent that they did not observe any interaction between § 87(2)(b) and PO Pearson at the stationhouse.

§ 87(2)(g)

Allegation N – Force: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson used physical force against § 87(2)(b)
Allegation O – Discourtesy: On November 2, 2017, at the 77th Precinct Stationhouse in Brooklyn, Police Officer Shakeara Pearson spoke discourteously to § 87(2)(b)

It is undisputed that PO Pearson used physical force against § 87(2)(b) at the 77th Precinct Stationhouse. § 87(2)(g)

§ 87(2)(b) stated that PO Pearson dropped her property while in front of the desk. PO Pearson bent down to gather the items. As PO Pearson stood up, she struck § 87(2)(b) in the jaw with her elbow causing § 87(2)(b)'s head to hit the wall. At that point, § 87(2)(b) kicked at PO Pearson but did not make any contact with her. After § 87(2)(b) and PO Pearson were separated, PO Pearson said that she was not afraid of “no street bitch.”

PO Pearson stated that when she turned § 87(2)(b) around to face the Desk Officer, she accidentally dropped § 87(2)(b)'s property. § 87(2)(b) yelled, “You dropped my fucking shit.” PO Pearson apologized and bent down to pick up the property. While in a kneeling position, § 87(2)(b) kicked PO Pearson once on her left shoulder. PO Pearson stood up and pushed § 87(2)(b) in her shoulder area with two open palms to distance herself from § 87(2)(b). She denied striking § 87(2)(b) with her elbow and denied making any physical contact with § 87(2)(b)'s jaw. Aside from the push, no other force was used against § 87(2)(b). Because of the push, § 87(2)(b) took one step back and backed into the wall. However, PO Pearson did not know if § 87(2)(b)'s head hit the wall. PO Pearson did not say anything to § 87(2)(b) after the encounter. She did not state that she was not afraid of “no street bitch” and did not refer to § 87(2)(b) as a bitch at any point. PO Pearson called an ambulance for herself because she sustained pain, redness, and swelling to her shoulder from the kick. PO Pearson took Line of Duty leave for two days and was on limited duty for approximately one month due to a torn muscle.

Det. Marte was consistent that as PO Pearson knelt to gather § 87(2)(b)'s property, § 87(2)(b) kicked her in the shoulder. Det. Marte heard PO Pearson yell, “You hit me” but did not hear PO Pearson state that she was not scared of “no street bitch” or refer to § 87(2)(b) as a bitch at any point. Det. Marte did not observe PO Pearson strike § 87(2)(b) in the jaw and stated that aside from the kick, he did not observe any further physical contact between § 87(2)(b) and PO Pearson.

Sgt. Bakkal stated that he did not have a clear recollection of this incident. However, he believed that at one point, § 87(2)(b) tried to or did kick and/or push PO Pearson. Sgt. Bakkal did not observe PO Pearson use any force against § 87(2)(b). Sgt. Bakkal did not know how PO Pearson reacted to the force or if she said anything to § 87(2)(b). Sgt. Bakkal did not hear PO Pearson state that she was not afraid of “no street bitch” and did not hear PO Pearson refer to § 87(2)(b) as a bitch at any point. While in front of the desk, § 87(2)(b) began thrusting her head into the wall on her own volition. Sgt. Bakkal did not observe her head hit the wall as the result of any action taken by a police officer.

As noted above, PO Diaz-Mojica and PO Lizardo stated that they did not observe any interaction between § 87(2)(b) and PO Pearson at the stationhouse.

§ 87(2)(b) received medical attention at § 87(2)(b) on § 87(2)(b) [Privileged Documents 01]. She was admitted with complaints of a headache and informed hospital staff that an officer “banged/rammed/hit” her head into a wall. § 87(2)(b)'s behavior is described as “verbally abusive” and “combative” and the records note that she was cursing, yelling, and “very uncooperative.” She was given a 500 mg Naprosyn tab at 4:45 p.m. and a 650 mg Tylenol tab at 6:45 p.m. before being released to police custody. The records state there was no sign of trauma or apparent distress.

- § 87(2)(b) [REDACTED]
- Det. Marte has been a member of service for 10 years and has been a subject in six prior complaints and 16 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Phillips has been a member of service for 14 years and has been a subject in one prior complaint
- and one allegation which was not substantiated.
- PO Diaz-Mojica has been a member of service for four years and this is the first complaint to which he has been a subject.
- PO Pearson has been a member of service for five years and has been a subject in one prior complaint and one allegation which was not substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 24, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint [BR 23].
- § 87(2)(b), § 87(2)(c) [REDACTED]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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